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**OFFICE OF THE LIEUTENANT GOVERNOR
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M E M O R A N D U M

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: February 24, 2020

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: oversight of marijuana testing facilities (3 AAC 306.100(d)(6); 3 AAC 306.620(c); 3 AAC 306.635(a)(3), (c); 3 AAC 306.640(b))

Attorney General File:	2019200396
Regulation Filed:	2/24/2020
Effective Date:	3/25/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jane Sawyer, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached four pages of regulations, dealing with marijuana testing oversight, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its January 23, 2020, meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 1-31-2020



Glen Klinkhart, Interim Director

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

Febr. 24, 2020 at 2:22 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: March 25, 2020.

Register: 233, April 2020.

3 AAC 306.100(d) is amended to read:

(d) The annual license or endorsement fee, to be paid with each application for a new marijuana establishment facility license or endorsement and each license or endorsement renewal application is

(1) for a new retail marijuana store license, \$5,000, and for a renewed retail marijuana store license, \$7,000;

(2) for a new limited marijuana cultivation facility license, \$1,000, and for a renewed limited marijuana cultivation facility license, \$1,400;

(3) for a new standard marijuana cultivation facility license, \$5,000, and for a renewed standard marijuana cultivation facility license, \$7,000;

(4) for a new marijuana concentrate manufacturing facility license, \$1,000, and for a renewed marijuana concentrate manufacturing facility license, \$2,000;

(5) for a new marijuana product manufacturing facility license, \$5,000, and for a renewed marijuana product manufacturing facility license, \$7,000;

(6) for a new marijuana testing facility license, \$1,000, and for a renewed marijuana testing facility license, \$5,000 [\$2,000];

(7) for an onsite consumption endorsement to a retail marijuana store license, \$2,000. (Eff. 2/21/2016, Register 217; am 7/19/2017, Register 223; am 8/11/2018, Register 227; am 2/21/2019, Register 229; am 3 / 25 / 2020, Register 233)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

am 4/11/2019, Register 230;
am 5/1/2019, Register 230;
am 5/9/2019, Register 230;

3 AAC 306.620(c) is amended to read:

(c) The board will approve a marijuana testing facility license if, after the board or the board's contractor has examined the qualifications and procedures of the marijuana testing

facility license applicant **and documented the conclusions of the examination in a written**

report, the board finds the qualifications and procedures generally in compliance with good laboratory practices (that the) **and their**

application meets the requirements of this section. Nothing in AS 17.38 or this chapter

constitutes a board guarantee that a licensed marijuana testing facility can or will protect the

public from all potential hazards of marijuana including microbials, poisons or toxins, residual

solvents, pesticides, or other contaminants. (Eff. 2/21/2016, Register 217; am 3 / 25 /

2020, Register 233)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200

AS 17.38.070 AS 17.38.190 AS 17.38.900

AS 17.38.121

3 AAC 306.635(a) is amended to read:

(a) An applicant for a marijuana testing facility license and a licensed marijuana testing facility shall

(1) use as guidelines or references for testing methodologies

(A) the American Herbal Pharmacopoeia's Cannabis Inflorescence:

Standards of Identity, Analysis, and Quality Control, Revision 2014, adopted by

reference; and

(B) the United Nations Office on Drugs and Crime's Recommended

Methods for the Identification and Analysis of Cannabis and Cannabis Products: Manual

we keep the titles italicized)))

for Use by National Drug Analysis Laboratories, dated 2009 and adopted by reference;

[and]

(2) notify the board of any alternative scientifically valid testing methodology the marijuana testing facility proposes to use for any laboratory test it conducts; the board may require third-party validation of any monograph, peer-reviewed scientific journal article, or analytical method the marijuana testing facility proposes to follow to ensure the methodology produces comparable and accurate results; and

(3) comply with the Marijuana Testing Facility Compliance Document, dated

2019 and adopted by reference; a marijuana testing facility whose license was first issued
before (March 25, 2020) (paragraph not later than) (September 25, 2020)
prior to [effective date] shall comply with this subsection by [effective date + six months].

3 AAC 306.635(c) is amended to read:

(c) The board or the board's contractor may inspect the practices, procedures, and programs adopted, followed, and maintained by the applicant or the licensed marijuana testing facility and may examine all records of the applicant or the licensed marijuana testing facility that are related to the inspection. The board may require an applicant or a licensed marijuana testing facility to have an independent third party inspect and monitor laboratory operations to assess testing competency and the marijuana testing facility's compliance with its quality program. The board may require random validation of a marijuana testing facility's execution of each testing methodology the facility uses. [THE MARIJUANA TESTING FACILITY SHALL PAY ALL COSTS OF VALIDATION.] (Eff. 2/21/2016, Register 217; am 3/25/2020 Register

233)

Authority: AS 17.38.010

AS 17.38.150

AS 17.38.200

AS 17.38.070

AS 17.38.190

AS 17.38.900

AS 17.38.121

3 AAC 306.640(b) is amended to read:

(b) The scientific director of a marijuana testing facility shall approve, sign, and date each standard operating procedure, and each revision to any standard operating procedure. Each

revision to any standard operating procedure shall be provided to the board ^(not later than) within 10 days

^{after} approval by the scientific director for review by the board or the board's contractor.

The revised standard operating procedure ^{may} shall not be implemented until approved by the

board or the board's contractor. (Eff. 2/21/2016, Register 217; am 3/25/2020, Register 233)

Authority: AS 17.38.010

AS 17.38.150

AS 17.38.200

AS 17.38.070

AS 17.38.190

AS 17.38.900

AS 17.38.121